

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JASPAL SINGH GILL,

Petitioner,

v.

DONALD R HOLBROOK,

Respondent.

Case No. C20-318 RSL-MLP

ORDER GRANTING  
RESPONDENT'S MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWER

This is a federal habeas action proceeding under 28 U.S.C. § 2254. On March 24, 2020, this Court issued an Order granting Petitioner's motion to stay and hold in abeyance his federal habeas petition pending exhaustion in the state courts of his claims for federal habeas relief. (Dkt. # 7.) On March 19, 2021, the Court lifted the stay and directed Respondent to file an answer by May 3, 2021. Respondent now seeks an extension of time to file an answer to Petitioner's petition, arguing that to answer the petition he must obtain state court files. (Dkt. # 12; Samson Decl. (Dkt. # 13) at ¶ 3.) Respondent represents that he has received most, but not all, of the state court files necessary to respond to the petition. (Samson Decl. at ¶ 4.)

In particular, Respondent asserts that he has yet to receive the court file for the personal restraint petition filed under cause number 81172-0-I. (*Id.*) Respondent explains that the

1 Washington Court of Appeals denied Mr. Gill's personal restraint petition and that the  
2 Washington Supreme Court subsequently denied review in February 2021. (*Id.* at ¶ 5.) However,  
3 the Washington Court of Appeals has not yet issued the certificate of finality in cause number  
4 81172-0-I. According to Respondent, the Washington Court of Appeals has not, and will not,  
5 send the court file for the personal restraint petition filed under cause number 81172-0-I until the  
6 court issues the certificate of finality. As Respondent has demonstrated that he does not currently  
7 have all of the state court records necessary to file an answer to Petitioner's federal habeas  
8 petition, and as Petitioner has not opposed the requested extension, the Court deems the  
9 requested extension appropriate.

10 Accordingly, the Court GRANTS Respondent's motion for extension of time. (Dkt. #  
11 12.) Respondent is directed to file and service his answer to Petitioner's federal habeas petition  
12 not later than **June 7, 2021**. The Clerk is directed to send copies of this order to Petitioner, to  
13 counsel for Respondent, and to the Honorable Robert S. Lasnik.

14 Dated this 26th day of April, 2021.

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16 MICHELLE L. PETERSON  
17 United States Magistrate Judge  
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